

Notice of Allowability

Application No.

10/712,947

Examiner

HUNG Q. PHAM

Applicant(s)

WILSON ET AL.

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/19/07.
2. ☒ The allowed claim(s) is/are 1,4,9,12,17 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070830.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

H. Q. Pham
HUNG Q PHAM
Primary Examiner
Art Unit 2168

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Scott Thorpe, on 08/29/07.

In the Claims filed on 09/08/2006, please:

- REPLACE claims 1, 9 and 17 with the following claim 1, 9 and 17 (without strike-through and underlining markings):

1. (Currently amended) A computer system for migrating data comprising;

a server interfacing with a plurality of data storage devices, said server configured to migrate computer data files from one of said data storage device as a source to a second data storage device as a target by:

requesting data from a source volume on the source data storage device, in accordance with a map file having source and target volume parameters, as a bit image of a logical volume, cylinder by cylinder, track by track, and bit by bit, wherein the source volume is mapped to a target logical unit number (LUN) on a small computer system interface (SCSI) bus;

outputting the requested data to a target volume, wherein all write commands go to the source volume and the target volume during outputting the requested data, and writing the requested data on the target data storage device as a bit image of the logical volume, cylinder by

cylinder, track by track, and bit by bit, wherein updates to the source are detected and updated tracks containing said updates are recopied as a bit image from the source to the target;

placing a busy condition on the source volume after outputting data;

setting a SCSI ID to identify the target volume for access; and

repeating requesting data and outputting data on a logical volume by logical volume basis,

whereby a user accesses data from the source volume and moves off of the source volume at the same time.

9. (Currently amended) *A method of migrating computer data files between a source data storage device and a target data storage device comprising:*

requesting data from a source volume on the source data storage device, in accordance with a map file having source and target volume parameters, as a bit image of a logical volume, cylinder by cylinder, track by track, and bit by bit, wherein the source volume is mapped to a target logical unit number (LUN) on a small computer system interface (SCSI) bus;

outputting the requested data to a target volume, wherein all write commands go to the source volume and the target volume during outputting the requested data, and writing the requested data on the target data storage device as a bit image of the logical volume, cylinder by cylinder, track by track, and bit by bit, wherein updates to the source are detected and updated tracks containing said updates are recopied as a bit image from the source to the target;

placing a busy condition on the source volume after outputting data;

setting a SCSI ID to identify the target volume for access; and

repeating requesting data and outputting data on a logical volume by logical volume basis, whereby a user accesses data from the source volume and moves off of the source volume at the same time.

17. (Currently amended) A data processing system program product having executable instruction code stored on a machine-readable data storage medium for migrating data, wherein the executable instruction code when executed on a data processing system causes the data processing system to perform:

request data from a source volume on a source data storage device, in accordance with a map file having source and target volume parameters, as a bit image of a logical volume, cylinder by cylinder, track by track, and bit by bit, wherein the source volume is mapped to a target logical unit number (LUN) on a small computer system interface (SCSI) bus;

output the requested data to a target volume of a target data storage device, wherein all write commands go to the source volume and the target volume during outputting the requested data, and writing the requested data on the target data storage device as a bit image of the logical volume, cylinder by cylinder, track by track, and bit by bit, wherein updates to the source are detected and updated tracks containing said updates are recopied as a bit image from the source to the target;

placing a busy condition on the source volume after outputting data;

setting a SCSI ID to identify the target volume for access; and

repeating requesting data and outputting data on a logical volume by logical volume basis, whereby a user accesses data from the source volume and moves off of the source volume at the same time.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H. Q. Pham

HUNG Q PHAM
Primary Examiner
Art Unit 2168

August 28, 2007